| UNITED STATES DISTRICT COU | JRT  |
|----------------------------|------|
| SOUTHERN DISTRICT OF NEW   | YORK |

|  | X                                    |
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| STRUCTURE PROBE INC.,  | : Civil Action No.: 07 CV 3893 (LBS) |
| Plaintiffs,  | : : AFFIDAVIT OF SERVICE             |
| - against -  | :                                    |
| EMS ACQUISITION CORP. (d/b/a, ELECTRON MICROSCOPY SCIENCES), : | :                                    |
| Defendant.   | :<br>:<br>-X                         |
| STATE OF NEW YORK )  | ••                                   |
| COUNTY OF NEW YORK ) s.s.                                      |                                      |

EDGAR VALLEJO, being duly sworn, deposes and says: that deponent is not a party to the action, is over 18 years of age and resides in New York, New York.

On the 30th day of July, 2007, deponent caused to be served on the following counsel of record for EMS Acquisition Corp. a copy of PLAINTIFF'S SUMMONS, COMPLAINT AND RULE 7.1 DISCLOSURE STATEMENT, via OVERNIGHT DELIVERY, to:

Steven J. Rocci Woodcock Washburn LLP Cira Centre, 12th Floor, 2929 Arch Street Philadelphia, PA 19104-2891

By letter dated July 6, 2007, Mr. Rocci acknowledged that he would accept service for EMS Acquisition Corp.

Edgar Valley

Sworn to before me this day of August, 2007

KRISTINA HOPE Motory Public, State of New York No. 01H05080910 Gualified In Kinga County

Oertificate Filed in New York County Commission Expires June 23, 20 11

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Raymond J. Dowd (RD 7508)
DUNNINGTON BARTHOLOW & MILLER LLP
477 Madison Avenue— 12<sup>th</sup> Floor
New York, NY 10017
(212) 682-8811
(212) 661-7769 (fax)
rdowd@dunnington.com

Attorney for Defendant EMS Acquisition Corp.

I further certify that on August 9, 2007, I caused copies of the foregoing to be served via Overnight Delivery upon the following:

David J. Wolfsohn Steven J. Rocci Chad A. Rutkowski WOODCOCK WASHBURN LLP 2929 Arch Street Philadelphia, PA 19104 (215) 564-2222

Attorneys for Defendant EMS Acquisition Corp.

| s/ Michael J. Freno |
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